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December 18, 2013

**ELECTRONIC FILING AND FEDERAL EXPRESS**

Secretary Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
9300 East Hampton Drive  
Capitol Heights, MD 20743

Re: Petition for Expedited Declaratory Ruling or, in the Alternative,  
Expedited Rulemaking filed by the Professional Association  
For Customer Engagement ("PACE"); CG Docket No. 02-278

Dear Secretary Dortch:

I am writing on behalf of Aspect Software, Inc. ("Aspect") to support the above-referenced petition filed by PACE ("Petition") seeking clarification of the definition of automatic telephone dialing system ("ATDS") under the Telephone Consumer Protection Act ("TCPA") and regulations promulgated thereunder.

Aspect is an industry leader in the development and sale of contact center technology. Our customers include major banks and other financial institutions, health care providers, utilities, educational institutions, and government agencies. We at Aspect applaud Congress and the federal regulators, including the Federal Communications Commission ("Commission"), for their worthy efforts in the past several decades to protect the legitimate interest of consumers of communication services from, among others, telemarketers and collection firms that employ overly aggressive tactics in attempting to connect with their customers. Certainly, these legislative and regulatory actions dramatically reduced the use of these tactics which, in the most extreme cases, can best be described as abusive.

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The flip-side to the story of the evolution of the TCPA is within the realm of the TCPA's prohibition on the use of ATDSs to call cell phones without owners' prior consent. What Aspect has observed in recent years is that many in the regulated community appear to be doing everything possible to comply with the law, but feel hamstrung by a lack of clarity in what the law requires. More to the point, the current regulations and agency rulings leave some room for interpreting the definition of ATDS that has resulted in a checkerboard of varying court decisions on this issue. Aspect has been working closely with our customers who utilize our out-bound contact center solutions to create product alternatives that would assist operators of call centers with avoiding any actions that would run afoul of the TCPA and associated regulations and agency rulings. However, all of these efforts would benefit substantially if the Commission indeed would provide more clarity and certainty relative to the definition of ATDS.

For the foregoing reasons, Aspect respectfully supports PACE's Petition, which requests that the Commission issue an Expedited Declaratory Ruling to clarify the definition of an ATDS and, in the alternative, commence a Rulemaking Proceeding to provide clarity on the definition of the term "capacity," as used in the TCPA and related regulations, and the definition of ATDS in 47 CFR 64.12000(f)(2), in accordance with the Petition.

If you or anyone at the Commission has any questions concerning the matters addressed herein or would like to discuss them further, do not hesitate to call or email me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'SJB', is written over a horizontal line.

Stephen J. Beaver